

Helene M. Freeman (NY 1088004)  
DORSEY & WHITNEY LLP  
250 Park Avenue  
New York, New York 10177  
Telephone: (212) 415-9200  
Facsimile: (212) 953-7201

Attorneys for Plaintiff Charles Wilson

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X	
CHARLES WILSON,	:
	:
Plaintiff,	: 07 CV 5449 (DC)
v.	:
	: INITIAL DISCLOSURES
CAPITOL RECORDS, INC. and EMI MUSIC,	: PURSUANT TO RULE 26(a)
INC. d/b/a CAPITOL MUSIC GROUP,	:
BERLIN CAMERON UNITED, HEINEKEN	:
USA, INC.	:
	:
Defendants.	:
-----X	

Plaintiff CHARLES WILSON, by and through his attorneys Dorsey & Whitney L.L.P., hereby submits his initial disclosures pursuant to Federal Rules of Civil Procedure 26(a)(1). Such disclosures are based upon information currently known and/or reasonably available to plaintiff and plaintiff reserves the right to supplement and/or amend these disclosures in accordance with the provisions of Fed. R. Civ. P. 26(e):

I. Individuals likely to have discoverable information to be used to support plaintiff's claims:

Charles Wilson  
c/o Helene M. Freeman, Esq.  
Dorsey & Whitney LLP  
250 Park Avenue  
New York, NY 10177  
(212) 415-9239

Charles Wilson has information relevant to the allegations of the complaint, including his professional career, his personal history, the creation of the recordings entitled “Beautiful” and “You Got What I Want” (the “Recordings”) and his personal and professional injuries.

Michael Paran, President  
P Music Group, Inc.  
11511 Vimy Road  
Granada Hills, CA 91344  
(818) 360-8928

Pacific Coast Pirate Entertainment, Inc.  
Attn: Michael Paran, President  
11511 Vimy Road  
Granada Hills, CA 91344

Mr. Paran has information with respect to Mr. Wilson’s career, his professional achievements, the manner in which Mr. Wilson’s professional activities as a recording artist and performer are conducted and the business affairs related to these activities. He, also, has information with respect to the personal and professional injuries sustained by Mr. Wilson and the damages incurred.

Lynn Quarterman, Esq.  
Law Offices of Henry Root  
Suite 20 Paseo Del Mar  
1541 Ocean Avenue  
Santa Monica CA 90401  
(310) 395-6800

Ms. Quarterman has information with respect to Mr. Wilson's contractual relations, his ownership of the copyright in the Recordings and her communications with employees and agents of the Capitol defendants with respect thereto.

In addition to the above referenced persons, it is believed that discovery of defendants may identify other persons with information which may be used to support plaintiff's claims and damages.

## II. Documents Data and Tangible Things:

The following categories of documents and tangible things are in the possession or control of plaintiff and may be used to support his claims:

1. Contracts for the services of plaintiff as a performer and recording artist and for his personal endorsement of products and documents and electronically stored information relating to these contracts or the proceeds of these contracts;
2. Publicly released and distributed recordings by plaintiff as a featured performer, the lead singer of the Gap Band and as a solo artist;
3. Correspondence regarding the copyright in the Recordings at issue and Mr. Wilson's rights in the Recordings;
4. The copyright registration certificate for "Beautiful";
5. Awards to plaintiff by BMI and the RIAA;
6. An electronic copy of the Recordings.

The aforesaid documents are located in the offices of Lynn Quarterman, Pacific Coast Pirate Entertainment, Inc. and Michael Paran. Dorsey & Whitney has copies of some of these documents.

Plaintiff believes defendants have documents in their possession, custody and control which can be obtained in discovery which would support the claims of plaintiff, including but not limited to documents relating to the creation of the Recordings, defendants' exploitation of the Recordings, profit and loss statements, the Heineken commercial and website.

### III. Computation of Damages:

Plaintiff's damages on the first claim will be computed based on the profits of the Capitol defendants as reflected in documents believed to be in the possession of the Capitol defendants and to be secured in discovery. Since none of these documents are in the possession, custody or control of plaintiff, plaintiff has been unable to compute his damages on the first claim.

Plaintiff's damages on the second claim will be computed based on the gross proceeds received by Berlin Cameron United and Heineken, as a result of the infringement, based on documents in their possession to be secured in discovery. Since none of these documents are in the possession, custody or control of plaintiff, plaintiff has been unable to compute his damages against them on the second claim.

Plaintiff will seek the gross proceeds received by the Capitol defendants and its affiliates for providing the recording "Beautiful" and authorizing its use in a Heineken commercial. Documents upon which the computation of damages will be based are in the possession, custody and control of the Capitol defendants and will be sought in discovery. They including contract number CR1-LR-10653, previously furnished to plaintiff's counsel by defendants' counsel.

On the third claim, plaintiff seeks to recover damages for his personal injury. This includes the damages for invasion of plaintiff's right to privacy by the use of his persona to promote beer. The damages for his injury will be left to the jury in light of his personal history, but not less than \$500,000 will be sought. There are no documents currently in plaintiff's possession or control relating to the invasion of plaintiff's privacy.

Plaintiff will also seek to recover the value of his personal endorsement. The following document may be used to support the jury's computation of damages for this value:

Agreement between Pacific Coast Entertainment, Inc. and Coca Cola North America dated June 6, 2001.

The document is required to be kept confidential by its terms and will be produced in accordance with Rule 34 following the entry of a confidentiality order.

IV. Insurance Agreement:

Not applicable.

Dated: New York, New York  
December 3, 2007

Yours, etc.

DORSEY & WHITNEY LLP  
Attorneys for Plaintiff

By: 

Helene M. Freeman  
250 Park Avenue  
New York, NY 10177  
(212) 415-9200